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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,080	09/09/2003	Matthew G. Goulet	29641/39307	1437

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EXAMINER
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BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/658,080

Applicant(s)

GOULET, MATTHEW G.

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/23/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

The reference numbers 28 and 30 were originally disclosed as proximal and distal ends of a paint applicator, respectively. The reference numbers then been used throughout the application as various other distal and proximal ends, for example in [0037] the reference number were used for the distal end and proximal end of the inner cylinder. Different reference numbers are to be used to describe different elements. Applicant must review the specification and correct all instances where reference numbers 28 and 30 are not describing the proximal and distal end of a paint applicator.

Additionally, in [0053] the applicant used reference number 104 to describe rolling element bearings however, reference number 104 was previously disclosed as fingers.

In [0068], lines 7-8, the applicant states that the tooth 256 secured to one of the apertures 258 is best shown in figure 17. This feature is not shown in figure 17 at all. Please correct.

On page 21, line 2, it reads "as best shown in Fig. 6" however, the examiner believe it should read ---as best shown in Fig. 16---. Appropriate correction is required.

### ***Drawings***

The drawings are objected to because on figure 3, reference number 30 should really be labeled 28 and also element 62 is supposed to be directed toward the receiver holes (page 8, line 2) but is instead directed toward a first grip. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

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appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 22-27 have been renumbered 21-26. ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the inner shaft" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 22 recites the limitation "the outer shaft" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "the outer shaft" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosick (USPN 5864918).

Kosick teaches a paint roller (1) comprising an extendable handle (3, 10). The handle comprises a first tube (10) and a second tube (3) slidably telescoping mounted to relative to the first tube (claim 18). The paint roller (1) is mounted to the second tube (claim 18) and a spring (14) biases the second tube relative to the first (claim 19). The handle further comprises an ergonomic grip on the first and second tubes. Any portion of the tubes is considered to be capable of gripping (claim 20). The first and second shafts are prevented from relative movement due to pin (15) and slot (12) (claim 21). There is further a removable butt cap (11) mounted to the proximal end of the first shaft (claim 26).

Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ricciardi (USPN 3153252).

Ricciardi teaches a telescoping implement handle. The handle comprises a first tube (14) and a second tube (15) slidably telescoping mounted to relative to the first tube (claim 18). The

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implement (29) is mounted to the second tube (claim 18) and a spring (16a) biases the second tube relative to the first (claim 19). The handle further comprises an ergonomic grip on the first and second tubes. Any portion of the tubes is considered to be capable of gripping (claim 20). There is further a removable butt cap (16) mounted to the proximal end of the first shaft (claim 26). Ricciardi teaches that the handle maybe used with implements such as brooms, mops, sponges, applicators, buffers, etc (col. 1, lines 5-10), and since a paint roller is a type of applicator Ricciardi reads on the claim limitations.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grote et al. (USPN 6546596) in view of Ricciardi (USPN 3153252).

Grote teaches an extension handle for tools, such as a paint roller. The handle comprises a first tube (36) and a second tube (12) slidably telescoping mounted to relative to the first tube (claim 18). The paint roller (R) is mounted to the second tube (claim 18). The handle further comprises an ergonomic grip on the first and second tubes. Any portion of the tubes is considered to be capable of gripping (claim 20). There is further a means for preventing relative movement between the first and second tubes (not labeled but are shown on figure 3 as the holes which 38 and 50 are inserted on the second tube) (claim 21). The means for preventing relative movement between the tubes includes a locking pin (50), a plurality of holes on the second tube (figure 3, holes which 38 and 50 are received in) and a locking hole (hole in first tube which 50 is received in) (claim 22). The locking pin is

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biased by a spring (44) (claim 23). The paint roller is connected to a mounting block (16) that is slidable within the second tube (claim 25). Grote teaches all the essential elements of the claimed invention however fails to teach a spring for biasing the second tube relative to the first tube.

Ricciardi teaches a telescoping implement handle. The handle comprises a first tube (14) and a second tube (15) slidably telescoping mounted to relative to the first tube. The implement (29) is mounted to the second tube and a spring (16a) biases the second tube relative to the first. There is further a removable butt cap mounted to the proximal end of the shaft to keep the spring in place. It would have been obvious to one of ordinary skill in the art to biasing the first and second tubes of Grote with a spring as taught by Ricciardi so that when the tubes are to be extended, the pin just needs to be released and the tubes will immediately extend automatically without any outside force (col. 1, lines 19-22).

Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grote et al. (USPN 6546596) in view of Fishlove (USPN 3266144).

Grote teaches all the essential elements of the claimed invention as stated above however fails to teach a spring for biasing the second tube relative to the first tube.

Fishlove teaches a telescoping implement handle. The handle comprises a first tube (26') and a second tube (22') slidably telescoping mounted to relative to the first tube. The implement (12) is mounted to the second tube and a spring (34) biases the second tube relative to the first. It would have been obvious to one of ordinary skill in the art to biasing the first and second tubes of Grote with a spring as taught by Fishlove so that when the tubes are to be extended, the tubes are extended by the action of the spring and will not require a manual sliding (col. 2, lines 52-56).

***Allowable Subject Matter***

Claims 1-17 are allowed.

The following is an examiner's statement of reasons for allowance:

Both claims 1 and 10 include the limitation of a first shaft (outer shaft) receiving a second shaft (inner shaft). There is a guide block attached to the distal end of the second shaft (inner shaft) having a curved surface. There is a third shaft (rod) slidably disposed within the second shaft (inner shaft). There is an advancement strip with a first and second end. The first end is connected to the distal end of the first shaft (outer shaft) and the second end is connected to the proximal end of the third shaft (rod), wherein the advancement strip is disposed along the curved surface of the guide block.

None of the references teach a guide block with a curved surface attached to the distal end of the second shaft (inner shaft). Additionally none of the references teach an advancement strip that is attached to a distal end of the first shaft (outer shaft) and to the proximal end of the third shaft (rod), wherein the strip is disposed along the curved surface of the guide block. It would not have been obvious to combine references to achieve the claimed invention since there is no teaching or motivation to do so.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SLb  
1/11/06



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